

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

UNITED STATES OF AMERICA

v.

**ELMER ZELAYA MARTINEZ,
Defendant.**

**CRIMINAL NO.
1:18-CR-123-RDA-2**

MOTION FOR APPOINTMENT OF ADDITIONAL COUNSEL

COMES NOW, defendant, Elmer Zelaya Martinez (“Mr. Zelaya Martinez”), by and through counsel, and pursuant to the Criminal Justice Act, 18 U.S.C. § 3005, and the Federal Death Penalty Act, 18 U.S.C. § 3599(a), and respectfully requests that this Court appoint William A. Morrison, Esq. as co-counsel in this matter and in support thereof states as follows.

William A. Morrison is an experienced death penalty attorney. He has represented defendants charged with capital offenses at the pretrial, trial, and penalty-phase in addition to representing death sentenced defendants in both state and federal habeas corpus proceedings. (See attached CV). Mr. Morrison has represented defendants in various jurisdictions across the country and has been admitted in various District Courts.

This case merits a third attorney for the following reasons:

This is a complex case as admitted by the government in their Motion to have it so declared (Doc.77). The discovery in this case is voluminous and ongoing. A significant

portion of discovery is in Spanish. Adding to the complexity of this case is that the Mr. Zelaya Martinez was born in El Salvador. Most, if not all of the capital related mitigation evidence needed to effectively represent Mr. Zelaya Martinez are located in El Salvador, requiring members of Mr. Zelaya Martinez's defense team to travel to El Salvador. Additionally, Mr. Zelaya Martinez's defense team expects to file numerous capital related motions, while simultaneously reviewing on-going discovery productions, and preparing for trial that may include a possible penalty phase. In order to effectively represent Mr. Zelaya Martinez, should this case move to a penalty phase, it will be necessary to present a complex mosaic of personal, cultural, and social history as to Mr. Zelaya Martinez, his family, friends, his community, and other aspects of his life that may effect the jury's decision as to whether or not to impose a death sentence. These tasks require the assistance of an additional attorney.

WHEREFORE, undersigned respectfully requests that this Court appoint William A. Morrison as co- counsel in this case and that his appointment be effective as of January 30, 2020.

Respectfully submitted this the 14th day of February 2020.

Respectfully Submitted,

By: /s/_____

Manuel E. Leiva VSB # 42942

Attorney for Defendant

The Leiva Law Firm, PLC

3955 Chain Bridge Road

Second Floor

Fairfax, VA 22030

(703) 352-6400

Facsimile (703) 352-5226

mleiva@leiva-law.com

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2020, I filed the foregoing document with the court through the Court's CM/ECF system.

Rebeca Bellows, Esq.

Assistant United States Attorney

United States Attorney's Office

2100 Jamieson Avenue

Tel: 703-299-3800

Fax: 703-299-3980

becky.bellows@usdoj.gov

By: /s/_____

Manuel E. Leiva VSB # 42942

Attorney for Defendant

The Leiva Law Firm, PLC

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Second Floor

Fairfax, VA 22030

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mleiva@leiva-law.com